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Before the **FCC MAIL SECTION**
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FCC 94M-96
40988

In re Applications)
)
DARRELL BRYAN)
)
SBH PROPERTIES, INC.)
)
For Construction Permit for a)
New FM Station on Channel 276A)
in Tusculum, Tennessee)

MM Docket No. 93-241 ✓
DISPATCHED BY
File No. BPH-920109MA
File No. BPH-920123MD

ORDER

Issued: February 23, 1994 ; Released: February 25, 1994

Under consideration are Request for Ruling, filed February 15, 1994, by SBH Properties, Inc. ("SBH"), and Opposition to Request for Ruling, filed February 18, 1994, by Darrell Bryan ("Bryan").

SBH states that Bryan was required pursuant to Section 1.325(c) (1) to produce documents relating to enhancement credits. According to SBH, Bryan has failed to produce documents with regard to civic activities for which he seeks credit even though he indicated at his deposition that he had such documents. SBH wants a ruling that would direct that Bryan be precluded from receiving comparative credit for his claimed participation in civic activities.

Bryan, in opposition, states that at his deposition he stated that he was sure that there was documentation somewhere either in the files of organizations he participated in, or possibly in newspaper articles and that he received certificates and plaques from regard to some of the organizations. After searching his files Bryan realized that he had only framed certificates or plaques of which he is not required to make copies.

In light of the foregoing, SBH's Request for Ruling IS DENIED.

IT IS SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION

John M. Frysiak
Administrative Law Judge